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U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
MARINE PROTECTED AREAS FEDERAL ADVISORY COMMITTEE

ESTABLISHMENT

Executive Order 13158 directs the Department of Commerce to establish a Marine Protected Areas (MPA) Federal Advisory Committee (“Committee”) to provide advice to the Secretaries of Commerce and the Interior on the national initiative to strengthen and expand the national system of MPAs. The Committee will operate in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2.

BACKGROUND

1. Executive Order 13158 defines “marine protected area” as any area of the marine environment that has been reserved by federal, State, territorial, tribal or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein. The Executive Order directs federal agencies to strengthen and expand the national system of marine protected areas through three primary means: (a) strengthen the management, protection and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation’s natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.
2. The Executive Order directs federal agencies to develop a national system of MPAs by coordinating and sharing information, tools, and strategies and provide guidance to enable and encourage the use of : (a) science-based identification and prioritization of natural and cultural resources for additional protection; (b) integrated assessments of ecological linkages among MPAs; (c) a biological assessment of the minimum area of consumptive uses would be prohibited that is necessary to preserve representative habitats; (d) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources; (e) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs; (f) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions; (g) assessment of the economic effects of the preferred management solutions; (h) and identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate. To that end, NOAA will develop, in collaboration with the Department of the Interior, an inventory of MPA sites in the U.S. and a

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web site to provide information on MPAs to the public and user groups. These efforts will be supported and coordinated by the Marine Protected Areas Center, which will be created by the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) and operated in cooperation with the Department of Interior.

OBJECTIVES AND DUTIES

1. The Advisory Committee will provide advice and recommendations to the Secretary of Commerce and the Secretary of the Interior in implementing Section 4 of the Executive Order, and specifically on strategies and priorities for developing the national MPA system and practical approaches to further enhance and expand protection of new and existing MPAs.
2. The Committee may, with the concurrence of the Secretary of Commerce and the Secretary of the Interior, establish subcommittees comprised solely of Committee members, or may establish or utilize working groups or task forces comprised of Committee members and additional external appointees, as necessary to fulfill its objectives.
3. In pursuing its duties under Section 4, the Advisory Committee shall establish or utilize a Scientific Working Group consisting of non-Federal scientists with expertise in marine and ocean science. This Group may consist of members of the Advisory Committee and additional external members. It will work closely with the MPA Center to conduct the assessment of gaps in levels of protection currently afforded natural and cultural resources and shall deliver a report to the Committee outlining their recommendations for future strengthening and expansion of the national MPA system. The full Committee will evaluate that Scientific Working Group report and transmit it, along with their collective recommendations, to the Secretaries of Commerce and of the Interior. Additional analyses may be conducted at the request of the full Committee.
4. The Committee will function solely as an advisory body, and will comply with the provisions of the Federal Advisory Committee Act.

MEMBERS AND CHAIRPERSON

1. This Committee shall consist of no more than 30 non-Federal members to be appointed by the Secretary of Commerce, in consultation with the Secretary of the Interior. The Advisory Committee shall be composed of knowledgeable representatives of stakeholder groups, such as:
 - Scientists and technical experts with expertise in coastal and marine ecosystems, such as ecologists, oceanographers, fisheries scientists, geologists, economists, anthropologists, archeologists, maritime historians and sociologists.
 - Resource managers for marine areas and the Great Lakes, such as representatives from

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coastal states, tribes, territories and localities, as well as from regional fisheries management councils and interstate fisheries commissions.

- Conservation and philanthropic organizations involved in marine and ocean resource issues.
 - Affected interest groups, such as, representatives from the fishing (recreational and commercial), boating, recreational, maritime and historical communities.
2. The initial Chairperson shall be appointed by the Secretary of Commerce, in consultation with the Secretary of the Interior.

ADMINISTRATIVE PROVISIONS

1. The Committee shall report to the Secretary of Commerce and the Secretary of the Interior through the Department of Commerce Under Secretary for Oceans and Atmosphere (NOAA Administrator).
2. The Department of Commerce and the Department of the Interior may alternate funding for the operating costs of the Committee.
3. The Committee shall meet at least once annually, contingent upon the availability of appropriations.
4. NOAA will provide staff support for the Committee. A NOAA employee will serve as the Designated Federal Officer for the Committee.
5. Initial members will be appointed to two- or three-year terms upon creation of the Committee. Subsequent members will be appointed for two-year terms. The Chairperson will also serve a two-year term. No member may serve more than two consecutive terms. In the event of an unexpected vacancy, appointments shall be made by the Secretary of Commerce for the remainder of the unexpired term of the vacancy. All members serve at the discretion of the Secretary of Commerce.
6. The annual cost of operating the Committee is estimated at \$150,000 which includes 0.5 person years for staff support. This is exclusive of the cost of operating subcommittees, working groups, and/or task forces.
7. Members of the Committee are not compensated for their services, but may upon request, be allowed travel and per diem expenses as allowed by 5 U.S.C. 5701 et. seq.

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DURATION

The Marine Protected Areas Federal Advisory Committee shall terminate two years from the date of this charter unless terminated earlier or renewed by proper authority or appropriate action.

Chief Financial Officer and
Assistant Secretary for Administration

Date

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Pursuant to subsection 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App.2, this charter was filed with the Chief Financial Officer and Assistant Secretary for Administration on xxxxx, 2000. On the same date, a copy was filed with the following committees of Congress, and a copy was furnished to the Library of Congress:

Senate Committee on Commerce, Science, and Transportation

House Committee on Resources

House Committee on Science

Date